

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-15 and 17-22 were pending prior to the Office Action. Claims 23-28 have been added through this reply. Claims 3 have been canceled without prejudice or disclaimer of the subject matter included therein. Therefore, claims 1-2, 4-15, and 17-28 are pending. Claims 1, 12, 18, and 24 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

Claim Rejection - 35 U.S.C. § 112, second paragraph

The Examiner rejected claim 17 under 35 U.S.C. § 112, second paragraph, because claim 17 depends from a canceled claim. Claim 17 has been amended to depend on claim 23. Based on this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejection - 35 U.S.C. § 101

The Examiner rejected claims 21-22 asserting that claims are not directed to statutory subject matter. By this amendment, Applicants have amended these claims. As such, Applicants respectfully submit that these claims are directed to statutory subject matter. Based on these amendments, it is respectfully requested that the outstanding rejection be withdrawn.

Allowable Subject Matter

Applicants appreciate that claims 12-13 and 18-20 are indicated to be allowable. Applicants further appreciate that claims 3, 5-9, and 15 are indicated to define allowable subject matter.

Accordingly, Applicants have amended independent claim 1 with the features of indicated allowable claim 3. No intervening claims existed between independent claim 1 and dependent claim 3. Thus, claim 1 is clearly allowable.

Further, all rejected claims now directly or indirectly depend on allowable claim 1. Thus, claims 2, 4, 10-11, and 14 are allowable.

Also, new independent (apparatus) claim 24 is similar to allowed independent (method) claim 18. Thus, new claim 24 is allowable for at least this reason. Further, new claims 25-26 are allowable at least because they depend on allowable claim 24. Thus, claims 25-26 are allowable.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of the background section of the application and Carsello, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-2, 4-15, and 17-28 are distinguishable over the cited references.

In view of the above amendments, it is believed that the pending application is in condition for allowance.

Applicants respectfully request that the the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/586,672
Amendment dated December 30, 2008
Reply to Office Action of October 2, 2008

Docket No.: 1248-0877PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 30, 2008

Respectfully submitted,

By 

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